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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,076	08/02/2001	Takahisa Kageyama	393032027500	8741

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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT PAPER NUMBER

2137

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,076

Applicant(s)

KAGEYAMA ET AL

Examiner

Minh Dieu Nguyen

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/9/04, 3/8/05</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-12 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claims 5-6, the phrase "a kind of digital data" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

4. Claim 10 recites the limitation "said storage device". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino (6,433,946).

a) As to claims 1 and 11-12, Ogino discloses a method, device and recording medium for output control and copying prevention control comprising a notification section (Fig. 8, element 18; col. 13, lines 49-56) that notifies a user of a message calling

the user's attention to the specific process in response to an instruction issued on the specific process; a function-setting section that sets a specific function (i.e. anti-duplication control information indicating copying inhibition, copying permission or generation restriction, col. 2, lines 31-33, the anti-duplication control information is added to the video signal and recorded on the recording medium to prevent illegal copying) according to the notification of the message.

Ogino discloses the write control signal permits writing the video signal on the recording medium (col. 17, lines 5-12; col. 20, lines 43-47) when determination is made by duplication controller whether duplication is to be inhibited or permitted, i.e. Ogino implicitly discloses an execution restriction-removal section that removes restriction on the execution of the specific process based on the set specific function.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of removing restriction on the execution of the specific process in the system of Ogino so as to make the user interactions with the system more friendly. Further as a matter of design choice to make the system more user friendly, the operation of stopping the warning message by the notification section is appropriate.

b) As to claims 3-4 and 10, Ogino discloses a data storage device that stores the digital data and wherein the specific process includes storing digital audio data or image data taken in from an outside of the electronic apparatus in the data storage device (Fig. 1).

c) As to claims 5-6, Ogino discloses the notification section displays the message in dependence on a kind of digital data on which the specific process is to be carried out (col. 14, lines 43-47; col. 20, lines 16-23).

d) As to claims 7-8, Ogino discloses the notification section displays a message concerning a copyright on a screen or notifies the message by voice in response to an instruction for executing the specific process or an instruction for setting the specific function (col. 15, lines 6-10).

7. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino (6,433,946) in view of Matsumoto (6,542,870).

Matsumoto discloses a recording apparatus capable of recording and storing data from a storage medium comprising a setting information storage device that stores information indicative of the setting of the set specific function and a recording section that stores the information in the setting information storage device (Fig. 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of storing information indicative of the setting of the set specific function in a storage device as Matsumoto teaches in the system of Ogino to provides a means to store and retrieve information as needed.

Conclusion

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen
Examiner
Art Unit 2137

mdn
6/23/05


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100